

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0329

HOUSE BILL NO. 1041

Introduced by: The Committee on State Affairs at the request of the Bureau of
Administration

1 FOR AN ACT ENTITLED, An Act to provide a preference for the procurement of biobased
2 products.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. As used in this Act, the term, biobased, means composed wholly or in a
5 significant part of biological products including renewable agricultural materials or forestry
6 materials.

7 Section 2. That § 5-23-45 be amended to read as follows:

8 5-23-45. Notwithstanding provisions of law requiring a state agency or political subdivision
9 of the state to enter into contracts with the lowest responsible bidder, any such agency or
10 political subdivision charged with the purchase of materials and supplies for any public use may,
11 in its discretion, give preference to the purchase of materials and supplies manufactured from
12 recycled or ~~starch-based~~ biobased materials. This preference is applicable only if the bids of the
13 persons or manufacturing concerns supplying the recycled or ~~starch-based~~ biobased materials,
14 or the prices quoted by them, do not exceed by more than ~~ten~~ five percent the lowest bid or
15 prices quoted by persons and manufacturing concerns offering nonrecycled or ~~nonstarch-based~~



1 nonbiobased materials.